

IS THE AFGHAN SITUATION RIPE FOR NEGOTIATIONS?

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Abstract

This article posits the Ripeness Theory to discuss different failed attempts to negotiate the on-going Afghan conflict. Initial part explains the Zartman's theory, developing a framework centred around two variables – mutually hurting stalemate and perception of way out – to investigate when a conflict is ready for negotiations. Further the paper examines different Afghan peace efforts till February 2018, listing out the limitations of the theory.

Keywords: Afghanistan, Conflict, Negotiations, Defence.

Introduction

Different studies have substantially established that most conflicts end with negotiations. Yet what baffles practitioners, is how would they come to know that the parties involved are ready for any settlement. William Zartman's *Ripeness Theory* provides evolving framework to investigate when does a conflict become ready to negotiate.

The *theory* posits two prime drivers for a successful conflict resolution – *substance of proposal* and *timing of efforts for resolution*.¹ Peaceful settlements of disputes see the substance of the proposal as most important aspect impacting closure of ongoing conflict. The basic logic is, “disputants manage their conflict by exploring an agreeable arrangement – mostly a point where their positions have convergences.”² Whereas, the second significant aspect is the timings of the efforts to resolve disagreement. Here the underlining logic is, “disputants come to an agreement only when most show a desire for an accord; alternatively, when all avenues of any unilateralism are either blocked or disputants find themselves in an unfavorable and costly situation.”³

Zartman having identified these two key variables, puts conditions to reaching the ripeness state: “*Ripeness* is necessary but not sufficient element in beginning negotiations. It is only a condition, which is not self-fulfilling or self-implementing.”⁴ So having simplified his theoretical framework, Zartman accepts that war termination is a complex phenomenon with many antecedents.

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It would not be wrong to state, “ripe moment is necessarily a perceptual event”,⁵ which could be at any instant in the conflict, early or deferred. Zartman further refined his theory and came up with two essential components of *ripeness*:

- The concept of ripe moment centers on the disputants’ discernment of Mutually Hurting Stalemate (MHS). A situation where the disputants perceive themselves booked in a dispute from which they cannot push any further towards triumph and this gridlock is agonizing to all involved.⁶
- The second necessary factor for a ripe moment is further intricate: the perception of a way out. Disputants need to have a sense that a negotiated solution is possible. With the sense of way out, the push associated with the MHS would leave the parties with somewhere to go.⁷

Important caveat here is that, not all negotiations come out to be consequence of ripe moment.⁸ Negotiations could be a pause for rest and rearmament, an appeasement to external influence, without any intent to seek reconciliation. The difficulty to identify and recognize *ripeness* needs due diligence, especially when accomplishment of negotiations is not strictly credited to a precise course of action selected but to urge the disputants to build up confidence building measures, avoid zero-sumness, and make fair and mutual concessions.

Negotiation Efforts till February 2018

As early as, December 2001, Mullah Obaidullah met Karzai and gave him a letter from the Taliban that accepted Karzai’s leadership and acknowledged that “the *Islamic Emirate* had no chance of surviving”. The Taliban sued for peace and were prepared to relinquish all claims to the country. Interestingly, in exchange, Taliban did not seek any position in power structure, but a general pardon, which would enable them to dwell respectfully.⁹ Karzai told Obaidullah that provided Mullah Omer also agreed to these terms, he would be allowed to remain in Kandahar under the supervision of Mullah Naquib.¹⁰ This was an Afghan style deal. Karzai was being pragmatic, the Taliban had surrendered, so why not bring them into your camp?

The Bush Administration however, squandered this chance. After learning of the discussion, US Defense Secretary Donald Rumsfeld appeared to reject the idea at a press conference. Letting Mullah Omer “live in dignity” as opposed to in custody was “unfeasible”. Under the rubric of the *War on Terror*, Mullah Omer was the enemy, and making deals with him and his ilk would only embolden other non-state actors.¹¹ Steve Coll now makes public in his new book, *Directorate S*, that, when a few of Taliban leaders tried to join in the peace agreement at Bonn, Vice-President Dick Cheney issued instructions to put them in jail at Guantanamo or Bagram.¹² Karzai was told that such an arrangement with Taliban was not in the US interest.¹³ The first attempt towards peace talks failed because US bent upon dehumanizing the Taliban. Apparently, they had beaten the enemy and perceived the future exclusion of Taliban.

During 2002, US kept flatly refusing the Taliban officials’ offers to negotiate laying down arms and reconcile with the Afghan government. They even wrecked these

efforts by putting the Taliban envoys in detention cells or at times simply killed them.¹⁴ By early March 2003, Mullah Omer was able to gather the Taliban leadership around him. Since they had last met, their views on Afghanistan had been repeatedly upended: from despair after their apparent rejection by the country to a renewed belief in the righteousness of their cause.¹⁵ While on the other side, US Secretary of Defence Donald Rumsfeld declared an end to major combat operations and about rebuilding Afghanistan. Around this time, the then US Ambassador Zalmay Khalilzad again managed to get the Taliban to restart the negotiation process with the government in Kabul. But the US decision makers in Washington refused security assurances sought by Taliban before engaging in any peace process.¹⁶

The US conduct made the Taliban infer that they had little option but to carry on with fighting.¹⁷ The US rejection of talks, made them go back to the battlefield where fighting became a mode of communications. Negotiations appeared a ploy to capture and kill Taliban delegation members or through their whereabouts, the others; therefore, one observes a big gap till any side again, after 2002-03, opted for talks.

Saudi Arabia – Led Peace Efforts

In 2006, the Saudis tried to initiate the peace negotiations.¹⁸ Abdullah Anas, an Algerian, who for 10 years fought Soviet-Afghan War acted as the initial fixer. Whereas, on the Afghan government's side, Qayum Karzai, who is real brother of then President Hamid Karzai acted as the envoy.¹⁹ By 2007, Taliban had regained much of their lost strength and decided to once again engage the US in peace talks. Agha Jan Motasim was made the leader of a political commission by Taliban to initiate negotiations with US in Saudi Arabia.²⁰ During this period as the Afghan Taliban insurgency grew bolder,²¹ they publically declined to negotiate with the Afghan government till presence of a single foreign boot on the ground.

Nevertheless, formal negotiations with the Saudis began in 2008. But when the negotiations reached a critical decision-point, where Saudis put a pre-condition to the Taliban to renounce terrorism and their links with Al Qaeda, they rejected the preconditions and with it the peace dialogue once again.²² In February 2010, Motasim's main protector, Mullah Abdul Ghani Baradar, the Taliban's chief operational commander, was arrested in Pakistan, while an assassin shot Motasim and left him for dead outside his home in Karachi, though he survived.²³ Both the incidents were construed as Pakistan's resistance to any peace talks without her,²⁴ which appears a frivolous claim as KSA is a very good friend of Pakistan.

Talks Facilitated by Norway, Germany and Qatar

In May 2008, Taliban agreed to meet with Afghan government representatives. However, this shift in position took place when violence had worsened dramatically in Afghanistan.²⁵ The delegations from both parties arrived in Oslo in November and even agreed to stay in the same hotel.²⁶ Unfortunately, hours before the sides were to meet, in a bombshell one of the delegation member's house got blown up, killing the Talib's brother and wounding his wife.²⁷ It unmistakably resulted in finger pointing among all

stakeholders. Around March 2009, it was reported that the Taliban even arranged a meeting between the Norwegian diplomats and their leader, Mullah Omar.²⁸ But while these endeavors were in hand, the US opted to increase 30,000 more troops to Afghanistan. The development damaged the Norwegian peace initiative. Taliban rolled back all negotiation mechanism and resumed fighting with new vigor: "If they are bombing us from above, we will bomb them from below".²⁹

After failure of Norwegian peace initiative, US tried to restart peace talks through German emissaries. In November 2010, Taliban nominated a new representative, Tayyib Agha, who secretly met the Germans in Dubai, and through them with the US officials.³⁰ During these talks, the Taliban representative presented the US officials with a road map for negotiations based on a series of *confidence-building measures*.³¹ The US were asked to lift sanctions and release Taliban detainees from Guantanamo, and in exchange the Taliban had to publicly announce their willingness to disassociate themselves from terrorism and seek a political resolution to end war. In the second stage, the Taliban would be allowed to open an office in Qatar, from where they would negotiate with the US and Afghans. Satisfactory progress on these lines was expected to let the two sides declare a limited ceasefire.³²

The US-Taliban peace talks continued through 2011, punctuated by deadlocks, leaks, and assassinations. This time President Karzai, feeling his government being marginalized, lost patience and demanded that talks should continue only if Taliban agreed to include Afghan officials in negotiations.³³ This led to a deadlock. In order to break this logjam and speed up negotiations, Qatar suggested change in the sequence of *confidence-building measures* agreed upon earlier on. It was agreed that Taliban will open up their political office, concurrently making an announcement, distancing itself from terrorism and seeking political resolution of the conflict. This would follow up the *confidence-building measures* with the US. And in the last stage of talks, Taliban would meet with the Afghan representatives. On April 23, 2013,³⁴ the Emir of Qatar, Hamad bin Khalifa al-Thani, personally showed the draft of the Taliban statement to President Obama. Obama decided to go ahead. He had assured Karzai that the Taliban office would not infringe on the sovereignty of the Afghan government. But on 13 June 2013, when Taliban inaugurated their office in Qatar, in a televised ceremony, they displayed the flag of the "Islamic Emirate of Afghanistan". The optics of this event annoyed Afghan Government who saw this as an effort by Taliban to project themselves as alternative government rather than a movement. The flag hoisting by Taliban forced the US to formally close their Qatar office.³⁵ This ended the peace talks, once again.

Murree Talks

In 2015, Pakistan persuaded Afghan Taliban to join peace talks with Afghan government.³⁶ The *Haqqani group* was also represented. Representatives of the US and China participated as observers or guarantors, whereas Pakistan's foreign secretary participated as a facilitator.³⁷ Though these talks had widest representation of all Afghan peace talks held so far, but the timing of talks was not conducive again - Taliban's annual offensive was in full swing. The first sitting of Peace Talks in Murree was held on 7 July 2015. Pakistan foreign office statement explained the context of talks: "It is an

Afghan-led and Afghan-owned peace initiative. We are here to facilitate.”³⁸ Participants after the first meet recognized the requirement of instituting trust amongst themselves through suitable confidence-building measures. The Taliban, who by then had developed an upper hand, came up with hawkish preconditions for any negotiations to progress. They stressed talks would only get meaningful when they will have some timeline of the complete departure of foreign troops from Afghan soil. Unable to make any headway, Afghan government and Taliban representatives agreed to meet again for the second round of peace talks scheduled for 31 July, 2015.

The first round of talks was considered a success, both sides expressed their desire to work for war termination and enduring peace in Afghanistan, underlining the need to develop *confidence-building measures* among all stakeholders. The Taliban also agreed to a tentative ceasefire “if Pakistan and China guaranteed that a united national government would be formed in Afghanistan”.³⁹ It was also reported that although the Taliban demanded the inclusion of its first-tier leadership in the government, Afghan government officials agreed to at least include their third-tier leadership.⁴⁰ The talks were welcomed by Afghan authorities, the US, China, and the international community at large. Even Mullah Omar’s purportedly in his annual Eid message endorsed the talks as “legitimate,” if they can help end “US-led foreign occupation of Afghanistan and establish an Islamic system in Afghanistan.”⁴¹

Though the talks ended with immense optimism but, the sudden news of Mullah Omar’s death which was disclosed and confirmed by Afghan authorities, just before the second round of talks, led to the suspension of talks and cast a shadow on the future prospects of peace talks. This was immediately followed by a surge in violence in Kabul in which more than 50 people were killed, further complicating matters between Pakistan and Afghanistan.⁴² Afghanistan government had clearly sabotaged the talks by disclosing the death of Mullah Omar. It was an effort to accentuate internal infighting among Taliban. Afghanistan’s behavior makes a classical case where parties came for talks to assess each other’s resolve, and put conditions only to sabotage them. One can observe a huge gap between perceived future vision of parties involved.

Ashraf Ghani’s Initiative – The Kabul Process

By start of 2017, US had fully realized that there could be no other way to end war and bring peace in Afghanistan than the political settlement among all stakeholders.⁴³ But, Taliban had different plans. On 31 May, 2017 a truck bomb exploded in a crowded intersection in Kabul, killing over 150 and injuring 413, mostly civilians. After the bombing, thousands of protesters demanded the resignation of officials. It was under these conditions that Kabul launched another initiative called “Kabul Process” to reboot peace talks.

Again, the timings were not suitable. Peace talk initiative was launched in the midst of regional diplomatic upheaval. Tensions between arch-rivals India and Pakistan had run high since Pakistan sentenced an Indian spy to death in April. In May, more than a dozen Pakistanis and Afghans were killed in clashes on the two countries’ border. The Taliban called the Kabul Process “futile”. They repeated their old demand that the

peace negotiations would not accrue any meaningful results till they first settle down and develop consensus over the presence of foreign troops in Afghanistan.⁴⁴ The withdrawal of western troops from Afghanistan by then was also supported by Russia and several regional powers, which further made any political settlement complex.

The second round of talks, materialized on 28 February 2018, when Afghanistan's battlefield losses were mounting and Taliban had regained control of most parts of the country. Afghan President Ashraf Ghani started talks with "no conditions" attached. He invited Taliban to open an office in Kabul for that purpose. Ghani agreed to recognize the Taliban as a political group, if they chose to declare ceasefire.⁴⁵ Afghan government also expressed its willingness to take *confidence building measures* and guarantee security for Taliban representatives if they agree to come to Kabul. He also called on government-to-government talks with Pakistan.⁴⁶

In response to Ghani's proposal, the Taliban however, reiterated that they would engage in direct talks only with the US, blaming the presence of foreign forces in Afghanistan for a continuation of the war.⁴⁷ The third round of talks is planned in Islamabad, which is expected to draw up a road map for further negotiations between Kabul and the Taliban. With no ceasefire on the cards from both sides, the Taliban are likely to keep up the fight even if peace talks get off the ground in order to secure territory and leverage in the negotiations.

Eid Ceasefire and Offer for Direct Talks

A few days before Eid ul Fitr, in June 2018, the Afghan President Ashraf Ghani announced a unilateral ceasefire against Taliban until five day of Eid. He, however, said that their fighting against IS and other militant groups would go on.⁴⁸ Taliban reciprocated. But, immediately after the eid, Taliban resumed fighting, declining President Ghani's request to extend the ceasefire.⁴⁹ It is believed that the ceasefire had positive impact and definitely pointed towards an urge by the three major stakeholders – Taliban, US and the Afghan Government – to seek some kind of a conflict resolution mechanism.

Later on, Wall Street Journal also disclosed in last days of July 2018 that US is in some kind of negotiations with Taliban, in Qatar.⁵⁰ It is important to note that between ceasefire and these meets, the State Department did made a statement indicating that US has agreed to Taliban demand to directly talk to them. Though immediately after announcing her willingness to directly talk to the Taliban, US did issue a clarification that talk would be just to support the Taliban negotiations with the present Afghan Government.⁵¹

Limitations of Ripeness Theory Dependence on Violence

Notion of MHS is dependent on conflict: "to ripen a conflict one must raise the level of conflict until a stalemate is reached and it begins to hurt."⁵² Efforts to reach MHS could push antagonists towards more violence and bitterness. Normatively, what the theory is suggesting is, "hurt him, till he realizes, his efforts are futile". Such as

strategy is likely to turn conflict wounds into permanent scars. Afghanistan negotiation efforts are witnessing similar dynamics. US plan for Afghanistan is to increase violence in order to end it. She has escalated violence against Taliban to force them to the negotiation table. In recent Afghan strategic review, Trump Administration has decided to increase the tempo and intensity of military operations to bring change in Taliban attitude. They are seeking a situation wherein Taliban start questioning their future.

USA Today, in “Trump’s Afghanistan War Strategy: Use Military to Force Peace Talks with Taliban”, quotes Rex Tillersons, “The entire effort is intended to put pressure on Taliban to have them understand they will not win a battlefield victory.”⁵³ White House hopes overwhelming force will exacerbate divisions in the Taliban ranks and help lure more members to the negotiating table. In response, Taliban have increased their presence and strength in the country. By escalating their attacks, Taliban want to lead Trump’s policy to a failure. Despite deaths of their leadership, Taliban have been able to lift their momentum, when required. Violence also makes it harder for moderates to influence. Thus, the whole notion of *ripeness* provides a negative prelude to negotiations. War termination should come about with the pull of attractive outcome, and not through the push of MHS, a negative prelude. With coercion, one can start the process of negotiations but cannot lead up to reconciliation. Push factor acts as a spoiler.

Dependence on Actors

Soon after release of President Trump’s new Afghanistan strategy, US Secretary of State Rex Tillerson was quoted saying, “the strategy was to make the Taliban negotiate with the understanding that they would not “win a battlefield victory,...We may not win one, but neither will you.”⁵⁴ This is clearly an effort to trigger feeling of MHS. Not understanding that for a particular type of adversaries, like Taliban, MHS may not work. Taliban think themselves as “true believers”, thus an increased pain is unlikely to lead towards a compromise; instead, to them the pain may justify renewed struggle. Commenting on Taliban attacks, after US increased tempo of air operations against them, Michael Kugelman opines that through these attacks Taliban are delivering a strong message: we prefer to fight rather talk, and we have the capacity to succeed,⁵⁵ reinforcing the assumption that hurting stalemate in such cultures is meaningless.

On the US side, weight of effort, especially human sacrifices, besides geopolitics – keeps her committed to Afghanistan. Trump statement, explains this reality: “Our nation must seek an honorable and enduring outcome worthy of the tremendous sacrifices that have been made, especially the sacrifices of the lives”.⁵⁶ Consequently, following four attacks in Kabul in January 2018, Trump rejected idea of negotiating with Taliban - “There’s no talking to Taliban”.⁵⁷ Yet, the Trump’s strategy of increased military pressure and removing any deadline for the US troops failed to present an opportunity for new diplomatic initiative. Not only this, according to a NBC report, the Taliban have gained more strength and territory in Afghanistan. In 2014 strength of Taliban was 20,000, and now its over 60,000.⁵⁸

Nevertheless, the latest effort, where the US has agreed to directly talk to the Taliban, is a promising development. This may expand the political space between disputants for a meaningful dialogue. Besides this, since 9/11 US had demonized Taliban so much that their adverse image has now become a functional feature of relationship, reducing any chance of reconciliation. Hence, there are circumstances, where MHS becomes its own undoing.

Negotiations – the Earlier the Better

It is relatively easy to begin problem solving at an early stage of conflict, before it becomes a protracted conflict. During protracted conflicts, it is difficult to reach a point where opponents are ready and willing to repay concessions with concessions. This is opposite to MHS conditions, which happen towards the other end of violence spectrum. Conventional wisdom holds that making the first offer is a mistake in negotiations. But this cannot be taken as good for all situations. Early offer in negotiations may set up a powerful, unconscious psychological anchor that acts as a gravitational force. Stated simply, there is strong co-relationship between first offer and the final outcome. Unfortunately, US flatly refused the initial negotiation efforts of the Taliban. They only got serious in 2008-09 but then it was too late for them to trust each other easily. Besides, Taliban had gathered momentum in the battlefield and the space for concessions had reduced.

Ripeness Ends at Negotiation's Doorsteps

Ripeness Theory may help in predicting the possibility, wherein belligerents come on the negotiation table but, it cannot guarantee results in negotiations. For this to happen, perception of ripeness must continue during negotiations. The theory takes the belligerents to the opening of negotiation but successful conclusion of talks requires a different explanatory logic. Once both sides have agreed upon to start talks, significance of the two prime drivers – MHS and acceptable future discourse – changes, the later gains more importance. Encouraging way out will keep the negotiations going. Series of CBMs will maintain the perception of ripeness, redressing old mistrusts.

Conclusion

MHS carries germs of prolonging the conflict and is counterproductive to conflict resolution. It accentuates mistrust and push as belligerents towards more violence. In protracted conflicts, like Afghanistan, spoiling capacity of the weaker power must not be underestimated. The discussion in this article highlights four reasons, which has led to frequent break ups in negotiations process: tough demands, multiple actors' conflicting stakes, selection of bad timings, and efforts to inflict more pain. Consequently, instead of ripening, the conflict gets putrid. Better mechanism would be to focus on institutionalizing *confidence building measures* to bridge mistrust and shape the environment where belligerents could talk about concessions.

NOTES

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